

Remarks/Arguments

Reconsideration of this application is requested.

Request for Continued Examination (RCE)

A request for continued examination (RCE) is enclosed in response to the final Office Action mailed on September 16, 2008.

Claim Status

Claims 1-27 are pending. Claim 1 is amended.

Claim Rejections – 35 USC 103(a)

Claims 1-8, 10, 12-15 and 17-22 are rejected under 35 USC 103(a) as obvious over Rivere (US 3,868,936) in view of Coanda (US 2,907,557). Claims 23, 24 and 26 are rejected as obvious over Rivere in view of Coanda and Walker (US 3,874,777). Claims 9 and 11 are rejected as obvious over Rivere in view of Coanda and Marsee (US 4,016,845). Claims 25 and 27 are rejected as obvious over Rivere in view of Coanda, Walker and Marsee. Claim 16 is rejected as obvious over Rivere in view of Coanda and Bishop (US 3,050,376).

In response, applicant traverses the rejections, and amends independent claim 1 to clarify the present invention relative to Rivere, Coanda and the other references of record.

Claims 1-8, 10, 12-15 and 17-22

Claims 1-8, 10, 12-15 and 17-22 are rejected under 35 USC 103(a) as obvious over Rivere in view of Coanda. The Action acknowledges that Rivere lacks disclosure of an air cleaner chamber and a filter element that is disposed between the inlet and outlet of the air cleaner chamber, as is required by claim 1, but asserts that Coanda remedies this deficiency. Applicant disagrees, and submits that the Action ignores the requirement in claim 1 that the air filter be disposed between the inlet and outlet of an air cleaner chamber.

As pointed out in the "Examiner's Response to Arguments" at page 17 of the Action, Coanda discloses at col. 5, lines 23-26, that:

The suction of the cylinder or cylinders of the engine which is connected to the downstream end 4 of conduit 1 causes the inflow, through the air filter, of air into conduit 1 in the direction indicated by the arrow 8.

However, prior to this passage, at col. 4, lines 51-55, Coanda describes the location of the air filter:

The front or upstream end 2 of the conduit 1 is attached, by means of a flange 3, to an air filter (not shown), or to an auxiliary pipe disposed between it and the air filter, which is generally the case when only one air filter is used for several carburetors."

Thus, Coanda explicitly states that the air filter is attached to flange 3, which as shown in FIGS. 1 and 2 of Coanda is at the upstream end of conduit 1. Hence, the air filter is disposed outside of conduit 1, and not in conduit 1 between the inlet and outlet, as is required for any correspondence to claim 1. In this regard, claim 1 is further amended to emphasize that the filter element is disposed between the inlet and outlet in the air cleaner chamber.

In sum, Rivere completely lacks disclosure of an air filter, and Coanda merely describes that an air filter is attached to flange 3 outside of conduit 1. Rivere and Coanda, even when combined, completely lack disclosure of the element of claim 1 of an air filter disposed between the inlet and outlet in an air cleaner chamber. Therefore, the Action fails to establish a *prima facie* case of obviousness, and for at least this reason, the rejections under 35 USC 103(a) of claim 1 and claims 2-8, 10, 12-15 and 17-22 dependent thereon should be withdrawn.

In addition, Rivere and Coanda merely disclose pipes or conduits through which air flows in one direction. Neither of Rivere or Coanda disclose an air cleaner chamber, as claimed by applicant. Moreover, as shown in applicant's FIG. 2 and described in paragraph 0032, for example, air (air current M) flowing into air cleaner 5 through inlet 4b, and having passed through air filter 8, changes in

direction and is guided by guide walls 10b to the outlet of air cleaner 5. Thus, air enters the inlet of the air cleaner in a first direction, and is led through the outlet of the air cleaner to the engine in a second direction that is different from the first direction. Claim 1 is amended as follows to emphasize this feature:

...an air cleaner chamber including an inlet, through which an air is introduced in a first direction, and an outlet, through which the introduced air is led to an engine in a second direction which is different from the first direction...

In the pipes/conduits of Rivere and Coanda, by contrast, air is introduced in a first direction through an inlet, and continues in that same first direction through the pipe/conduit to the outlet, through which the air is led outside in still the same first direction. Thus, the air does not enter through the inlet in a first direction, and exit through the outlet in a second direction different from the first direction, as is required by claim 1 as amended. Accordingly, for at least this additional reason, the rejections under 35 USC 103(a) of claim 1 and claims 2-8, 10, 12-15 and 17-22 dependent thereon should be withdrawn.

Claims 9, 11, 16 and 23-27

Claims 23, 24 and 26, which depend from claim 1, are rejected as obvious over Rivere in view of Coanda and Walker. Walker is cited for its relevance to a vehicle having a fuel supply apparatus as claimed by applicant. However, Walker is directed to a carburetor and does not remedy the failure of Rivere and Coanda to disclose an air filter disposed within an air cleaner as claimed by applicant, or the claimed air flow direction at the inlet and outlet of the air cleaner. Thus, claims 23, 24 and 26 are not obvious over Rivere in view of Coanda and Walker for the same reasons as claim 1.

Claims 9 and 11, which depend from claim 1, are rejected as obvious over Rivere in view of Coanda and Marsee. Marsee is cited for its relevance to an intake chamber having a plurality of outlets in correspondence with a plurality of

rectifying walls. However, Marsee is directed primarily to a carburetor-type fuel induction system and does not remedy the failure of Rivere and Coanda to disclose an air filter disposed within an air cleaner as claimed by applicant, or the claimed air flow direction at the inlet and outlet of the air cleaner. Thus, claims 9 and 11 are not obvious over Rivere in view of Coanda and Marsee for the same reasons as claim 1.

Claims 25 and 27, which depend from claim 1, are rejected as obvious over Rivere in view of Coanda, Walker and Marsee. However, as discussed above, Walker and Marsee are not directed to an air cleaner configured as claimed by applicant. Thus, claims 25 and 27 are not obvious over Rivere in view of Coanda, Walker and Marsee for the same reasons as claim 1.

Claim 16, which depends from claim 1, is rejected as obvious over Rivere in view of Coanda and Bishop. Bishop is cited for its relevance to a blow-by gas passage and does not remedy the deficiencies of Rivere and Coanda discussed above. Accordingly, claim 16 is not obvious over Rivere in view of Coanda and Bishop for the same reasons as claim 1.

Conclusion

This application is now believed to be in condition for allowance. The Examiner is invited to contact the undersigned to resolve any issues that remain after consideration and entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
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Date: November 10, 2008

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